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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,594	02/12/2004	Galen C. Wong	9905-30	2680
7590	07/13/2004		EXAMINER CARTER, MONICA SMITH	
Eric K. Satermo Registered Patent Agent P.O. Box 19099 Irvine, CA 92623-9099			ART UNIT 3722	PAPER NUMBER

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/779,594

**Applicant(s)**

WONG ET AL.

**Examiner**

Monica S. Carter

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,10 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 11-13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Podosek (6,012,866).

Podosek discloses a sheet protector comprising a sheet of material folded about a fold line (215) to form a front panel (216-1) and a back panel (216-2) each having a top edge, a bottom edge, a pair of side edges (as seen in figures 3A,B), the fold line defining one of the pairs of side edges of the panels; the panels being welded together at a bottom weld line (223); an outer weld line (227) located opposite the fold line; an inner weld line (253) located in spaced relationship from the outer weld line defining a margin (as seen in figure 3B); the fold line, bottom weld line and inner line defining between the panels a pocket (229) with an opening along the top edges of the panels; the inner weld line extending to a location (HW) that is short of the top edges of the panels such that the opening of the pocket extends into the margin (the pocket would extend into the area between the inner weld 253 and weld line 225).

Regarding claim 8, the panels have a notch (238-1) disposed at a top margin corner.

Regarding claim 11, a reinforcing strip (233) is disposed in the margin between the panels.

Regarding claim 12, the panels have a notch disposed at a top margin corner such that a top end of the strip is angled complimentary with the notch (as seen in figure 3A); the top end of the strip being attached to one of the panels.

Regarding claim 13, the sheet protector comprises one or more binder holes (235-1, 235-2, 235-3) formed through the margin.

Regarding claims 15 and 16, see the above rejections.

Regarding claim 17, the inner weld line extends to a location that is at least about ¼ inch from the top edges of the panels (see col. 7, lines 41-46).

Regarding claim 18, see the above rejections.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Podosek.

Regarding claim 9, Podosek discloses the claimed invention except for claimed size of the notches of the front and back panels. It would have been an obvious matter of design choice to provide any required dimensions for the panels, since such a

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modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 14 and 20, Podosek discloses the claimed invention except for claimed width of the opening. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any required dimension for the opening, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Podosek in view of Lynton (6,019,539).

Podosek discloses the claimed invention except for the panels being welded together along a margin weld line extending from the inner weld line to the outer weld line, the margin weld line intersecting the outer weld line at or near a top margin corner of the panels, the margin weld line intersects the outer weld line at a location spaced from the top edges of the panels, the margin weld intersects the outer weld line at a location at least about  $\frac{1}{4}$  inch from the top edges of the panels and the margin weld line extends at an angle outwardly from the inner weld line.

Lynton discloses a flexible sheet protector having front (32) and back (30) panels; the panels having a bottom weld line (50), an outer weld line (36) and an inner weld line (38); wherein a margin weld line (the margin weld line being the angled line

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between weld lines 36 and 38) extends from the inner weld line to the outer weld line (see figure 1), the margin weld line extending from the inner weld line to the outer weld line, the margin weld line intersecting the outer weld line at or near a top margin corner of the panels (see figure 1), the margin weld line intersects the outer weld line at a location spaced from the top edges of the panels (being spaced from the top edge of panel 30), the margin weld intersects the outer weld line at a location at least about  $\frac{1}{4}$  inch from the top edges of the panels (as seen in figure 1) and the margin weld line extends at an angle outwardly from the inner weld line (as seen in figure 1, the top margin weld line is angled outwardly). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Podosek's invention to include a margin weld line, as taught by Lynton, to provide a more rigid marginal edge of the sheet protector for insertion into a binder.

### ***Allowable Subject Matter***

6. Claims 2, 10 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose sheet protector devices.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (703) 305-0305. The examiner can normally be reached on Monday-Thursday (6:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 9, 2004

  
**MONICA S. CARTER**  
**PRIMARY EXAMINER**